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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/340,218 06/25/99 CHADWICK

G MGC9901

EXAMINER

WM02/0828

OPPENHEIMER, WOLFF & DONNELLY, LLP
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WEST, L	
ART UNIT	PAPER NUMBER

2681

DATE MAILED:

08/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/340,218

Applicant(s)

CHADWICK, GEORGE G.

Examiner

Lewis G. West

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuo.
3. Regarding claim 1, Kuo discloses a method comprising the steps of: generating a radio frequency signal; feeding said radio frequency signal to a conductor; said conductor generally being within a structure; creating a quasi-static non-propagating electromagnetic field {near field} within said structure; and using said electromagnetic field to convey said radio frequency signal to a receiver generally located within said structure. (col. 5 lines 8-33)
4. Regarding claim 2, Kuo discloses generating the signal in the High Frequency band. (col. 4 lines 17-23)
5. Regarding claim 3, Kuo discloses generating the signal in the Very High Frequency band. (col. 4 lines 17-23)

6. Regarding claim 5, Kuo discloses a method wherein the radio frequency signal is generated using a frequency band which is characterized by a wavelength which is generally less than ten wavelengths in any dimension. (col. 5,6)
7. Regarding claim 6, Kuo discloses a method in which the signal is generated using a frequency band which does not generally cause interference outside the structure in the HF band. (col. 5 lines 8-33)
8. Regarding claim 7, Kuo discloses a method in which the radio frequency is fed to a conductor using a direct hardwired connection. (Fig. 1, col. 2 lines 14-39)
9. Regarding claim 8, Kuo discloses a method in which the radio frequency is transmitted to said conductor. (Fig. 1, col. 2 lines 14-39)
10. Regarding claim 9, Kuo disclose a method in which the conductor is a wire. (col. 2 line 40-col. 3 line 25)
11. Regarding claim 11, Kuo discloses that the conductor may be part of a structural member (the floor). (col. 2 lines 14-39)

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo in view of Engellenner.

14. Regarding claim 4, Kuo does not disclose the use of UHF. However, Engellenner discloses the use of UHF. (col. 3 lines 45-65) Therefore it would have been obvious to one of ordinary skill in the art to use UHF frequencies to improve total bandwidth to carrier frequency ratio.

15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo in view of Needle et al.

16. Regarding claim 10, Kuo does not expressly disclose the use of a water pipe as a conductor. However, Needle discloses a method in which a water pipe is used as a conductor. (col. 2 lines 47-52) Therefore it would have been obvious to one of ordinary skill in the art to use a water pipe, an item commonly found in structures, as a conductive element, as they are commonly used as ground conductors.

17. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo further in view of Abbey.

18. Regarding claim 12, Kuo does not expressly disclose simultaneous operation in the HF, VHF, and lower UHF band. Abbey does disclose allowing simultaneous operation in the HF, VHF, and lower UHF frequency bands with multiple connections; and filtering said multiple connections to insure signal separation. (col. 1 lines 20-33; col. 2 lines 13-37; col. 3 lines 7-32) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to eliminate any need for additional equipment when operating in different frequencies.

19. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo in view of Schimmeyer et al.

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20. Regarding claim 13, Kuo does not expressly disclose installing a receiver by inserting a power plug into a conventional electrical socket; and feeding said signal to said conductor through a third ground plug on said power plug. Schimmeyer, however, discloses installing a receiver by inserting a power plug into a conventional electrical socket; and feeding said signal to said conductor through a third ground plug on said power plug.(col. 3,4) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to eliminate extra wiring in the implementation of the method.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 703-308-9298. The examiner can normally be reached on Monday-Thursday 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.


Lewis West
(703) 308-9298
August 14, 2001


NAY MAUNG P/25101
PRIMARY EXAMINER